

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
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v.) No. 1:13-cr-6134-HSM
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DARRELL BANNISTER)

MEMORANDUM AND ORDER

DARRELL BANNISTER (“Defendant”) appeared for a hearing on June 29, 2016, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”).

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge Mattice. Defendant waived his right to a preliminary hearing but requested a detention hearing, which was held. U.S. Probation Office Doug Corn testified regarding the factual allegations set forth in the Petition and related matters. Both Parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petition and Defendant’s waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of his condition of supervised release as alleged in the Petition. Under Fed. R. Crim. P. 32.1(a)(6), Defendant has not carried his burden of demonstrating by clear and convincing evidence that, if released, he would not pose a danger to another person or to the community due to his long history of obtaining and using marijuana in violation of the law.

Accordingly, it is **ORDERED** that:

- (1) Defendant shall appear for a revocation hearing before U.S. District Judge Mattice.
- (2) The Government’s motion that Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing before Judge Mattice is **GRANTED**.

(3) The U.S. Marshal shall transport Defendant to a revocation hearing set before **District Judge Mattice on July 18, 2016 at 9:00 a.m.**

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE